



FILING OR AMENDING AN APPLICATION FOR CERTIFICATE OF LEGAL NONCONFORMANCE (CLN)

INFORMATION BULLETIN NO. 147

April 25, 2003 – (Revised October 1, 2012)

City Planning & Development Department - Development Services (CPD-DS)

City of Kansas City, Missouri

www.kcmo.gov/planning

Legal Nonconformance

Section 88-610-01-E of the Kansas City Zoning and Development Code (KCZDC) , provides an application process for filing applications for legal nonconformance. A legal nonconforming use is a use of property or a use of a building or structure that does not conform to the current zoning district in which the property is located but which was in conformance with the Zoning Ordinance at the time the use was originally established. This is commonly referred to as the “grandfather” clause. A property is not guaranteed to be eligible for a Certificate of Legal Nonconformance (CLN) simply because the use currently exists. Many properties have been converted to nonconforming uses illegally and the application for CLN is designed to identify those properties that were legally established but made nonconforming by the original passage of the Zoning Ordinance on June 4, 1923, rezoning of the property or a text amendment to the Zoning Ordinance. See Section 88-610 of the KCZDC for complete information on legal nonconformance and restrictions on changes, continued use and expansion of property. Building permits may not be issued for properties that are being used in violation of the Zoning Ordinance.

Before filing an application for CLN, contact City Planning & Development – Development Services (CPD-DS) at 816-513-1500 to verify that a CLN is required and that a CLN has not already been issued for the property. The City Planning & Development Department – Development Management (CPD-DM) should also be contacted, at telephone number 816-513-2846, to verify that there has been no previous approval of the use by the Board of Zoning Adjustment, City Plan Commission or City Council.

Filing an application for CLN

The attached Application for Certificate of Legal Nonconformance is provided for use in filing an application and providing the evidence required to prove that the use was legally established. The filing fee for one and two family dwellings is \$130.00 and the filing fee for all other requests is \$311.00. Such fee shall be paid at the time of filing the application for CLN with the CPD-DS. Please include any evidence supporting the request with the application. Any affidavits from persons who have first-hand knowledge as to the history of the use of the subject property shall be notarized. Supporting evidence may also include building permits, water service permits, telephone records, photographs, building permit plans, government records, business records, newspaper articles, City ordinances, Zoning Ordinances and any other information that will support the application.

The time required to process the CLN is 45 to 60 days. During this time, a public notice is published, a courtesy notice is sent to surrounding property owners, a field inspection is conducted, evidence is considered and an initial decision is made on the application. An initial decision to either approve or deny the CLN may be appealed to the Board of Zoning Adjustment by the applicant or any aggrieved property owner, such appeal must be filed within 15 days of the initial decision. If no appeal is filed, the decision becomes final.

Once the decision to approve a CLN is final, building permits may be issued and the use of the property may continue subject to the conditions of section 88-610 of the KCZDC.

Amending an approved CLN

The owner of a property under a CLN may file a request to amend the CLN to allow a change in the use. Under Section 88-610-04-B a CLN may be amended to allow the use to be changed to a similar use or to a more restricted use, including but not limited to parking, setbacks, density and other provisions of the KCZDC. . When a CLN has been amended to allow a more restricted use, the CLN cannot later be amended to allow a less restricted use.

The filing fee to amend a CLN is \$52 for one and two family dwellings and \$181 for all other uses.

To request a change in the CLN, submit a letter to the Division Manager of Investigations including the property address, the CLN number, the new use to be made of the property, the applicable filing fee and the name and telephone number of a contact person who can provide entry to the property for inspection. This request can be mailed to:

Division Manager of Investigation
Department of City Planning & Development – Development Services
414 East 12th Street, 14th Floor
Kansas City, MO 64106 Telephone: 816-513-1500

Please allow two (2) weeks for the review of a request for change in the CLN. A field inspection of the property may be required.

Online Access to CLN Records

The status or existence of a CLN can be viewed online at KivaNet. Use the Permitting System to look up the application (Permit Type is **CVLN**) by address.

Go to <http://kivaweb.kcmo.org/kivanet/2/index.cfm> on your Internet browser to access KivaNet.



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Please complete this application in full, if additional space is required to answer a question please attach additional sheets. Please attach additional notarized affidavits as necessary to provide documentation regarding the establishment of the legal nonconformance. See section 80-230, Zoning Ordinance, Chapter 80, Code of Ordinances, for additional information regarding the establishment of a CLN. The notarized signature of the owner of record is required on this application. This application along with the filing fee shall be submitted to:

City Planning & Development Department - Development Services

Permits Services Branch

5th Floor, City Hall

414 East 12th Street

Kansas City, MO 64106

Telephone: 816-513-1500

Applicant Information:

Applicant's Name:			
Contact Person:		Position:	
Address:			
City:		State:	Zip:
Phone Number:	Fax:		e-mail:

Property Information:

Address of Property:		
Legal Description (attach certified copy of recorded deed):		
Lot Width:	Lot Depth:	Lot Area:
Current use of the property/ Use for which CLN is requested:		
Reason the property is nonconforming with the current Zoning Ordinance regulations:		
Current Zoning District Classification:		
Owner(s) of record:		
Length of Time of Ownership:		

Zoning Information:

Current zoning district:
Zoning district classification at time when use was established:
When was the property annexed into the City of Kansas City, if annexation occurred after June 4, 1923?
If your request for a Certificate of Legal Nonconformance is based on recent (within the last year) rezoning of the property, state the zoning district classification in effect prior to the rezoning and whether your property was then in conformance with the zoning district classification, include ordinance number:
If your request for a Certificate of Legal Nonconformance is based on a text amendment to the Zoning Ordinance, state the Zoning Ordinance text in effect prior to the amendment and whether your property was then in conformance with the text of the Zoning Ordinance, include ordinance number:
Has the Board of Zoning Adjustment or City Plan Commission previously heard any action on this property? (Contact City Development at 816-513-2846):

Use Information:

When was the use established?
Did the use ever conform to the zoning district classification? If so, when?
Has the current use been continuous? If not, how long was the use vacant?

Height Information:

What is existing height of the building or structure?
Has height changed? If so, when?
Was height requirement ever met?

Yard (Setback) Information:

What are the existing setbacks from property lines? (attach survey, if applicable):
Have the setbacks changed since the use was established? If so, when?
Were setback requirements ever met? If so, when?

Area Information:

What is the area of land covered or occupied by use?
Number of dwelling units currently:
Number of dwelling units when structure erected:

Has number of dwelling units increased? If so, when?
Has number of dwelling units decreased? If so, when?

Parking Information:

What is the current number of spaces?
What was the number of spaces required when structure erected, if any?
Has number of spaces ever decreased or increased? If so, how?
Did the parking ever meet requirements?

The filing fee for one and two family dwellings is \$130.00 and the filing fee for all other requests is \$311.00. Such fee shall be paid at the time of filing the application for CLN with the Department of Codes Administration. Make checks payable to "City Treasurer."

STATE OF MISSOURI)
) ss.
 COUNTY OF _____)

I, _____, first being duly sworn, on oath state that I am the owner of the property described in the application and that the information set forth in this Application for Certificate of Legal Nonconformance is true and correct to my best knowledge.

 Signature of Property Owner

Subscribed and sworn to before me this ____ day of _____, _____, by _____.

 Signature of Notary Public

 Name of Notary printed, typed or stamped

Notary Public State of _____

My commission expires: _____